

Lahontan Regional Water Quality Control Board

MINUTES

November 13-14, 2013

Regular Meeting

Lahontan Regional Water Quality Control Board Annex
971 Silver Dollar Avenue, Hearing Room
South Lake Tahoe, CA 96150

Board Members Present

Peter C. Pumphrey, Chair, Bishop
Amy Horne, Ph.D., Truckee
Don Jardine, Markleeville
Keith Dyas, Rosamond
Eric Sandel, Truckee
Kimberly Cox, Helendale

Board Member Absent

None

Legal Counsel

Kimberly Niemeyer, Office of Chief Counsel, State Water Resources Control Board

State Board Staff Present

DeeDee D'Adamo, State Water Board Member
Vanessa Young, Staff Counsel, Office of Enforcement

Regional Board Staff Present

Patty Z. Kouyoumdjian, Executive Officer
Lauri Kemper, Assistant Executive Officer
Chuck Curtis, Sup. Engineering Geologist
Douglas Smith, Sup. Engineering Geologist
Alan Miller, Senior WRCE
Richard Booth, Senior Engineering Geologist
Scott Ferguson, Senior WRCE
Hannah Schembri, WRCE
Amber Wike, Office Technician

Taylor Zentner, Environmental Scientist
George Cella, Engineering Geologist
Bob Larsen, Staff Environmental Scientist
Doug Carrey, Senior Engineering Geologist
Eric Taxer, WRCE
Dan Sussman, Environmental Scientist
Lauri Scribe, Environmental Scientist
Sue Genera, Executive Assistant, Board Clerk

REGULAR MEETING

Wednesday, November 13, 2013- 4:00 p.m.

To view the full Agenda and listen to the audio file of this meeting [CLICK HERE](#)

INTRODUCTIONS

Chairman Pumphrey called the meeting to order at 4:02 p.m. on November 13, 2013. The Chair introduced Board Members.

Patty Z. Kouyoumdjian, Executive Officer, introduced Legal Counsel, State Water Board and Water Board staff.

OTHER BUSINESS

1. Minutes of the Regular Meeting of October 9-10, 2013, held in Barstow, CA.
 - **Motion:** Moved by Mr. Dyas, seconded by Dr. Horne, and **unanimously carried** to adopt the Minutes as presented.

Click here to view the adopted [October 2013 Minutes](#)

REPORTS

2. Reports by Water Board Chair and Board Members

Ms. Cox and Dr. Horne both attended the WQCC Meeting held on October 24-25, 2013 in Sacramento. Dr. Horne reported on how other regions are handling the policy and permitting of their programs. The State Board is talking about Strategic Planning and that it is something the Lahontan Board may want to do as well. She also shared highlights from the Environmental Justice and Climate Change Workshops.

Chair Pumphrey reported that during his monthly Chair's call, State Board Chair Fran Spivy-Weber stated that Regional Boards should spend more time and effort on interaction with disadvantaged communities and climate change although no direction was given on how to free staff time or what to direct them to do. It was the consensus that the Executive Officers work on finding the staff resources and developing policy. Chair Pumphrey notified the Board that there will be a third Sierra Summit Event June 12-13 or 19-20 and asked the Board if there were topics they would like to see on the Agenda.

3. Executive Officer's Report

Ms. Kouyoumdjian, Executive Officer, presented the [October Written Report](#) and gave additional updates on:

- We have been working closely with the State Board and DGS to secure a new office for the Victorville staff. Lease negotiations are underway and the new building will be twice the size of our current office and will have a large meeting room that can be used for Board meetings and public workshops
- This past week we held our second annual all-staff training in Tahoe. Staff worked on priorities for the Regional Board, as well as set priorities for individual programs and State Board driven policies. Staff input will be used to establish our draft 2014 priorities in an agenda item that will come before the Board next February. We also took some time to share our accomplishments from the year and acknowledge individual staff for their important contributions to the Regional Board. We also spent

time on organizational improvement and got some great ideas from staff breakout sessions that we plan to put in place next year. We covered areas of public outreach/education; improving internal procedures and templates; team-building/communication improvements for projects that span more than one office or unit; administration ideas; improving document review and expanding mentoring/skill sharing. A good portion of the two days was spent working on exercises to improve our communication skills both internally and externally. I believe the skills we learned will help us become better regulators. The team-building and collaboration techniques we learned will also be helpful in our day-to-day efforts. We closed out our two days of training with presentations from the enforcement staff (Scott and Eric) and from Kim Niemeyer. They gave helpful presentations to staff on separation of functions; and shared updates from the Board's Enforcement Subcommittees and the proposed SEP Pilot Program that will be considered by the Board next year.

- At the end of October I made a request to the State Board to fund from the Cleanup and Abatement Account (CAA) permanent monitoring wells to address the perchlorate-contaminated area northeast of Barstow. The Barstow perchlorate investigation and cleanup is a priority for our Board and we have received previous funds from the CAA to investigate the site and provide replacement drinking water to residents. The perchlorate contamination is from illegal dumping and we have no viable responsible party. These permanent sentinel wells are critical for monitoring contaminant movement and provide early warning to owners of down-gradient municipal and private water supplies.
- On November 4 I received notification from the State Board that they will consider the PG&E petition regarding the plume delineation CAO that I signed this past January. As a reminder, this Order required PG&E to fully define the Hinkley chrome plume, especially in the Northern-most area at Hinkley Gap and the Eastern area at Dixie Road. The Order asked PG&E to statically evaluate chrome concentrations in domestic wells outside the contiguous plume boundary and look for increasing trends of contamination. Based on the results of this statistical analysis, PG&E could be required to install additional monitoring wells to further define the plume. Staff are working on a written response to the State Board and preparing the administrative record for submittal in 30 days. Although I have just requested an extension until December 18 to take in account the holiday.
- I have two enforcement and compliance matters under my consideration as Executive Officer. I have the draft settlement agreement and Cleanup and Abatement Order for the N & M Dairy in Hinkley. The public comment period is closed, but I had additional questions of the parties and hope to make a decision shortly. The draft settlement agreement would assess a liability of \$376,850; with half going to the State Board's Waste Discharge Fund and the other half to a SEP placing the Dairy's 310 acres along the Mojave River channel into a conservation easement. All dairy operations have ceased and the cows have been removed from the site. Replacement water is being proposed for affected residents and waste is being removed.
- Secondly, I have the two requests to amend the Cleanup and Abatement Order for the Hinkley whole-house water replacement program. One request came from PG&E and another from community residents. The public comment period is closed and I am reviewing the submittals. The recent State Board notification regarding the PG&E

petition will also affect my consideration of this matter because it directly impacts the request made by the community. However, I hope to make my decision public in the next week on amendments the whole-house replacement program.

- 1) The first request was from two community residents, asking that I reconsider how we draw our plume boundaries. This issue was raised at the July Board Meeting in Barstow. The residents asked that I require PG&E to include as part of the plume all monitoring wells that exceed 3.1 ppb Cr(VI). Currently, PG&E is required to draw the plume boundary line to connect any monitoring wells located within one-half mile of any other monitoring well that have exceeded 3.1 ppb Cr (VI) or 3.2 ppb Cr(T). Therefore, exceedances of the 3.1 and 3.2 ppb limits are not considered to be part of the plume if they are further than one-half mile from the plume. Expanding the plume to include all concentrations above 3.1 ppb Cr(VI) and 3.2 ppb Cr (T) would also expand the replacement water program, which is currently limited to wells within one-mile of the contiguous plume.
- 2) The second request was from PG&E, and requested that future eligible residents under the whole-house replacement program be limited to only those that exceed the 3.1 ppb within the contagious plume, and not expanded out to those within one-mile of the plume, commonly referred to as the buffer. PG&E proposes that those under the replacement program now would continue under the program, and those receiving bottled water would continue to receive bottled water.

OTHER BUSINESS

4. ADOPTION OF UNCONTESTED CALENDAR

Note: An (*) appears next to items adopted by the Board on the uncontested calendar.

- **Motion:** Moved by Dr. Horne, seconded by Mr. Sandel and **unanimously carried** to adopt the uncontested calendar with revisions as presented.

RESCISSIONS

5. *Rescission of Waste Discharge Requirements in Board Order No. 6-00-026, as Amended, For Sierra Tahoe Ready Mix, Inc., El Dorado County

*See Item 4

Click here to view adopted [Board Order No. R6V-2013-0097](#)

6. *Rescission of Waste Discharge Requirements for the Eagle Lake RV Park and Eagle Lake Spalding Resort, Lassen County

*See Item 4

Click here to view adopted [Board Order No. R6V-2013-0098](#)

Dinner Recess Approximately 4:51 p.m.-7 p.m.

REGULAR MEETING: Wednesday, November 13, 2013 – 7:00 p.m.

INTRODUCTIONS

The Chair called the meeting to order at 7:05 p.m. and introduced Board Members. Ms. Kouyoumdjian introduced Legal Counsel, State Water Board and Water Board staff.

7. **PUBLIC FORUM**

None.

ENFORCEMENT

8. **Public Hearing: Consideration of the Issuance of Cease and Desist Orders for Multiple Property Owners for the Discharge or Threatened Discharge of Waste in Violation of a Discharge Prohibition Specified by the Water Quality Control Plan for the Lahontan Region and, Where Applicable, the Rescission of the Listed Cease and Desist Order, Spalding Tract, Eagle Lake, Lassen County**

The Chair administered an oath to persons testifying and opened the Hearing.

Vanessa Young, Staff Counsel, Office of Enforcement, addressed the Board and notified them that Sheila M. Miner APN 077-332-42-11, was removed from this Item and will be postponed to a later Meeting.

Lisa Scorable, Engineering Geologist, gave a Power Point presentation detailing the history of the Spalding Tract properties and the basis for issuing Cease and Desist Orders. Ms. Scorable answered Board member questions and recommended the adoption of the CDOs as presented.

Larry Alan Frack, APN 077-300-03-11

Motion: Moved by Mr. Sandel, seconded by Mr. Jardine, and **unanimously carried** to adopt the Cease and Desist Order as presented.

Click here to view adopted [CDO No. R6T-2013-0094](#)

GMAC, APN 077-302-16-11

Motion: Moved by Mr. Jardine, seconded by Dr. Horne, and **unanimously carried** to adopt the Cease and Desist Order as presented.

Click here to view adopted [CDO No. R6T-2013-0095](#)

Billy J. Watkins, APN 077-303-07-11

Motion: Moved by Dr. Horne, seconded by Mr. Sandel, and **unanimously carried** to adopt the Cease and Desist Order as presented.

Click here to view adopted [CDO No. R6T-2013-0096](#)

Note: The Board recessed at 7:25 p.m.

REGULAR MEETING CONTINUED: Thursday, November 14, 2013 – 8:30 a.m.**INTRODUCTIONS**

Chairman Pumphrey called the meeting to order at 8:32 a.m. on November 14, 2013. The Chair introduced Board Members and welcomed State Board Member, DeeDee D'Adamo.

Ms. Kouyoumdjian introduced Legal Counsel, State Water Board and Water Board staff.

OTHER BUSINESS**9. Lake Tahoe Nearshore Update –Scientific Report**

Mr. Dan Sussman, Environmental Scientist, addressed the board and gave a brief overview on mid-lake transparency and concerns arising from the Nearshore. He then introduced Dr. Alan Heyvaert with the Center for Watersheds and Environmental Sustainability who gave an in-depth power point presentation on long-term monitoring, research, and the assessment of existing standards relevant to the Nearshore of Lake Tahoe.

Note: The Board took a break from 9:58 - 10:11 a.m.

10. Potential Updates and Clarifications to the Water Quality Control Plan for the Lahontan Region

Mr. Chuck Curtis, Supervising WRCE, and Mr. Bob Larsen, Staff Environmental Scientist, gave a power point presentation on the status of the Basin Plan which has not had a major revision since 1994. In their presentation they highlighted necessary Prohibition Exemptions, Revisions, Policy Updates, and Next Steps.

Note: The Board took a break from 10:50 – 11:00 a.m.

11. Potential Updates and Clarifications for the 2009 Timber Waiver Renewal

Mr. Doug Cushman, Senior WRCE, gave a presentation to the Board on the proposed Timber Waiver Renewal where he highlighted regulatory background, issues for improvement, and the schedule for renewal. The Board gave feedback and will approve the final Waiver at the April 2014 Board meeting.

Public Comment

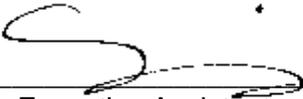
- Kathy Murphy with the Lake Tahoe Basin Management Unit gave her support of the proposed Waiver.
- Martin Goldberg with the Lake Valley Fire Protection District addressed the Board in favor of the proposed Waiver.

12. CLOSED SESSION**

None.

ADJOURNMENT

With no further business to come before the Board, the meeting adjourned at 11:34 a.m. on November 14, 2013.

Prepared by:  _____ Adopted: 01/09/14
Sue Genera, Executive Assistant